



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,899	01/07/2004	Nikola Dragov	60148.0002US01	5092

7590 06/16/2005
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/752,899	Applicant(s) DRAGOV, NIKOLA	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 6-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuji et al. (5,230,146).

Tsuji discloses packaging for a cable harness (10) with holding points and with a packaging enclosure (Fig. 8; via box 41) and, a template-like carrier (Fig. 3; via holding frame 16 and rollers 18), characterized in that the carrier (18) contacts and if necessary is fixed to contacts and fixings of the packaging enclosure (41); and the carrier (18) has fixing points for receiving and fixing the holding points (Fig. 7; via 21) of the cable harness (10).

Regarding claim 7: characterized in that the carrier (18) has markings, which allow the packaging device or unpacking device to identify the position of the carrier and its fixing points, e.g., optically, magnetically, electrically, or by touch (Fig. 7; via rod 21 moves up and down between carrier 18).

Regarding claim 8: a cable harness (10), characterized in that the holding points (via 21) of the cable harness (10) represent markings, which allow the packaging device or unpacking device to identify the position of the carrier and its fixing points, e.g., optically, magnetically, electrically, or by touch (Fig. 7; via by using rod 21 between rollers 18).

Art Unit: 3721

Regarding claim 10: characterized in that the fixing points for the holding points are cut-outs in the carrier (18); via the space between rollers 18 to permit 21 move up and down in between them.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (5,230,146).

Tsuji does not disclose that the packaging enclosure (41) consists of corrugated cardboard. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Tsuji's enclosure 41, by having corrugated cardboard enclosure, as a matter of engineering design choice, in order to use lighter enclosure and make it easier for moving the enclosure around. Alternatively, the examiner takes an official notice that using cardboard containers for such packaging is old, well known, and available in the art.

Response to Arguments

Applicant's arguments filed 04/22/2005 have been fully considered but they are not persuasive.

Applicant argues in page 7 of the arguments that claim 6 of the present application recites packaging for a cable harness, but Tsuji does not disclose such packaging, but rather discloses

Art Unit: 3721

assembling a wire harness. The examiner believes as disclosed in Figs. 7-9 of Tsuji pushing the cables downward toward box 41 to keep the cables in side 41, this consider packaging.

Alternatively claim 6 does not positively reciting the packaging in the body of the claim.

Applicant argues in page 7 of the arguments that elements 18 are rollers that pull wires out from respective reels, however, the rollers do not contact and are not fixed to contacts and fixings of a packaging enclosure. The examiner believes such limitations of “fixed to contacts and fixings of the packaging enclosure” as recited in claim 6, lines 3 and 4 are not positively cited, because the claim recite “if necessary” prior to the fixed limitations, and that make the limitations are not positively recited, therefore not giving much patentable weight.

Applicant further argues in page 7 of the arguments that rollers 18 of Tsuji are not fixed to any holding points of the cable harness, Tsuji requires a vertical rod 21 and a cover 22 to bend each of the main wires downward at a required position between adjacent rollers 18. The examiner believes that as shown in Figs. 7-9 of Tsuji rods 21 are forcing the cable to be pushed into the box 40 and stays there, which could be considered as holding points of the cable harness.

Applicant argues in page 8 of the arguments that Tsuji lacks a carrier having fixing points for receiving and fixing holding points of a cable harness. The examiner as set forth believes such fixing points could be considered as shown in Figs. 7-9; via rods 21 to fix the cable inside the box 41.

Applicant further argues in page 8 of the arguments that there is no markings are disclosed in Tsuji. The examiner believes that as shown in Figs. 3 and 4 of Tsuji the space between rollers 18 could be considered as marks to permit rods 21 move downwardly between them.

Art Unit: 3721

Applicant further argues in pages 8 and 9 that Tsuji does not disclose holding points of the cable harness, but rods 21 of Tsuji are part of the harness assembly apparatus not of the packaging device. The examiner believes that rods 21 holding the cable in place and forcing the cable toward box 40 and hold it in place inside the box, which consider as holding point in the package 40.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700